

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Applicant: Michael J. Haun)	
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Confirmation No.: 8839)	DO NOT ENTER: /RK/
Serial No.: 10/725,171)	02/12/2008
)	
Filed: December 1, 2003)	Group Art Unit: 1731
)	
For: Method for Making Product from)	
Fiber Glass Waste)	Examiner: Russell J. Kemmerle III

Assistant Commissioner For Patents
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

This paper is being filed in response to the Advisory Action mailed January 22, 2008. Reconsideration and entry of the amendment are respectfully requested in light of the remarks below. Applicant has reproduced the claims beginning on Page 3 .

Remarks

In the Advisory Action dated January 22, 2008, the Examiner indicated that the amendment filed January 8, 2008, would not be entered because:

(note 3) the claims 4-26 depend from claim 27, which includes a limitation purportedly not previously present in those claims (“namely the step of heating the fiber glass waste prior to reducing it to a powder”), and

(note 13) that the two independent claims appear to contain the same steps.

Applicant respectfully disagrees, as with respect to note 3, there is no such limitation in either claim 1 or 27 which requires the waste to be heated prior to reducing it to a powder. As noted in MPEP 2111.01, Altiris Inc. v. Symantec Corp., 318 F.3d 1363, 1371, 65 USPQ2d 1865, 1869-70 (Fed. Cir. 2003) held “...it was improper to read a specific order of steps into method claims...”. Applicant has not claimed such an order and it would be improper to read such a limitation into the claims. Accordingly, there is no need for additional searching, as this limitation is not required by the claims. In fact, this was indicated to be allowable by the Examiner in the Office Action dated 10/9/2007 (e.g. with respect to claim 3, which was

indicated to be allowable if re-written in independent form; which is presented in the proposed amendment as amended claim 1). As such, Applicant respectfully submits the claims are in condition for allowance.

Further, with respect to note 13, Applicant appreciates the Examiner's note related to claims 1 and 27, which indicate these claims "appear to include the same steps". Applicant respectfully disagrees, as claim 1 includes the limitation that the heating step is performed to "remove water, burn out organic matter, and/or increase the friability of the fiber glass waste". No such limitation is found in claim 27, thereby providing more than a mere difference in wording. Accordingly, the claims are not duplicates and are each allowable as written, as indicated in the Office Action Dated 10/27/2007.

Accordingly, applicant requests the Examiner to favorably reconsider the refusal to enter the amendment, and enter the amendment to place the application in condition for allowance.

Conclusion

In summary, Applicant believes all of the remaining claims are now in condition for allowance. Accordingly, the early issuance of a formal notice of allowance is earnestly solicited.

If any fees are due in connection with the filing of this response, please charge all necessary fees to Deposit Account No. 50-0568.

Respectfully submitted,

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